

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

IN THE MATTER OF)
)
Contested Case Hearing Re Conservation District)
Use Application (CDUA) HA-3568 For the)
Thirty Meter Telescope at the Mauna Kea Science)
Reserve, Ka'ohē Mauka, Hamakua, Hawai'i)
TMK (3) 4-4-015:009)
_____)

CASE NO. BLNR-CC-16-002

Kamahana Kealoha: MOTION
invoking Quo Warranto, respectfully, a
demand of Jurisdiction; Declaratory
Judgment on a Constitutional Issue/
Violation RESUBMITTED 8/8/2016

Name of Party: Brannon Kamahana Kealoha

DATED: 7/25/16 (previous date recognized 7/18/16)



(signature of Party or Lawyer)

Kamahana Kealoha's MOTION invoking Quo Warranto, respectfully, a demand of Jurisdiction; Declaratory Judgment on a Constitutional Issue/Violation

I respectfully assert and request, as seems to be supported under Supreme Court law, under article IV attached, that the honorable proceedings officer Amano provide absolute proof of her jurisdiction. The absolute proof should not include incongruent terms like "ceded" lands while using an internal law of a nation, "house resolution," as a fraudulent substitute for a treaty of cessation. I propose that at least one, or more, conflicts of interests exists that require the honorable proceedings officer to recuse them self from making judgment or participating in making judgment for any part of this contested case hearing. I also submit that the entities involved in asserting these meetings and its administration are invalid if such evidence cannot be provided and therefore these hearings have no authority and are also invalid and should be immediately discontinued.

In my limited understanding, and with my limited access to legal support for this so-called "user-friendly" process meant for the public to access in a reasonable manner, the laws invoked in this motion require Amano to provide evidence, and not just repetitive, conflicting evidence for her authority in these matter. The onus is on the hearing's officer to provide tangible, unclouded, and definitive evidence of this proof of jurisdiction and authority, however in past motions, distinctly different from this one, the hearing's officer has repeated and regurgitated blatantly incongruent claims using terms "ceded" and resolution, seemingly ambivalent to the fact that for a cessation to take place the land-owning entity must engage in transaction of

conveying its ownership of land, with its borders identified and clearly delineated, to another entity.

One such incident among others, clearly demonstrating conflict of interest in this case since I have been a party, among others, hearing officer Amano has influenced, coordinated, facilitated and made significant judgment on party motions that directly implicate the hearing officer in its allegations and in turn directly, and unjustly, mold the outcome of this contested court case so that this permitting process supports one pre-meditated outcome, the re-permitting of the Thirty Meter Telescope project upon the historical and present-day living burial grounds of my ancestor's, familiars, and myself.

The incident I would like to reference in this just opportunity and right to re-submit this intended, and clear motion of demand of Jurisdiction, can be found in Doc-84, "Maelani Lee motion to intervene (motion to take judicial notice, two requests)."

Respectfully, on August 5, 2016 hearing's officer Amano, while at the same time claiming to defer issues of possible conflict of interest to the BLNR, blatantly did the opposite and subsequently also proceeded to distort a clear issue of meets and bounds with that of simply "jurisdiction." To be clear, without an detailed land survey of the meets and bounds of the occupying State of Hawaii land such as the summit of Mauna Kea have not been conveyed lawfully, or ceded in any treaty of cessation, to the occupying State of Hawaii, or the United States Government the

lands fraudulently handed to the DLNR/BLNR and subsequently fraudulently handed over to the University of Hawaii and fraudulently sub-leased to the TMT Corporation are not lands that belong to the occupying State of Hawaii nor the occupying United States, therefore these meetings are moot and invalid and should be terminated immediately.

The hearing officer then proceeded to group the meets and bounds issue proposed by Doc-84 with that of jurisdiction and commandeer the intent and clear language of the motion in Doc-84 that put forth the fact that Mauna Kea, and in particular the exact area of the summit region this project intends to build in, were never conveyed in any treaty or land deed, in any lawful way or form, from the title-holding entity, the Hawaiian Kingdom, and therefore no clear title to the BLNR exists and the subsequent appropriation of these lands to the University of Hawaii for further sub-leasing is not supported by clear-title or any type of cessation.

Hearing Officer Amano lumped this motion that directly involves the question of authority of herself and of the BLNR and the University of Hawaii, among others, as a simple matter of jurisdiction. Hearing Officer Amano, in deliberating and subsequently denying this motion makes a judgment that directly evidences the conflict of interest herein described and therefore warrants the immediate dismissal of these proceedings. Furthermore, and just as important, Hearing Officer cites in particular that the Supreme Court of Hawaii, making judgment upon charges against its self as well, claims the title of these so-called "ceded" lands is "unclouded."

Essentially this judgment is also a conflict of interest as the United States government becomes not only the perpetrator of illegal seizure of land belonging in clear title to the Hawaiian Kingdom, but the judge and jury of any allegations against itself.

Hearing Officer Amano, by her very own statement, claims that a “resolution” and a biased Supreme Court decision claiming “unclouded” title to these so-called ceded lands seems to overlook the obvious while relegating Doc-84 as denied and as a simple “jurisdiction issue.”

In the blatantly incongruent use of the word “ceded,” used while referencing an internal house resolution as support for denying Doc-84, Hearing Officer Amano demonstrates a clear example of conflict of interest because the approval of this motion would make invalid these proceedings, in particular her participation in it as the hearing’s officer, and all entities claiming falsely that an internal house resolution has any lawful power outside of the country that creates such an internal law. The so-called ceded lands this initiative intends to build on was in fact never ceded as no treaty of cessation exists. A house resolution, an internal law, does not substitute as a treaty of cessation and the hearing officer, continuing to maintain the term “ceded” while using a “house resolution” as evidence not only continues a blatant and well known fraud, but also maintains the false jurisdiction of her seat on this initiative and the BLNR, University of Hawaii, and other entities that would otherwise disqualify the authority of these proceedings.

This is one of example of others in which hearing officer Amano, in conflict of interest, influences directly issues that involve her validity as hearing officer. Her choice to maintain the fraud of a treaty, by using an irrelevant house resolution while using the term “ceded,” influencing and relegating motions of “meets and bounds” to jurisdiction, and her denying of motions based on incongruent fallacies like equating cessation with an internal house resolution are just a few examples, in one incident alone among more, that demonstrate the clear reason why conflict of interest invalidates this proceedings and her own authority to influence, deliberate and decide on any of these issues that involve the lands never ceded- the Crown and Government land of the Hawaiian Kingdom that the State of Hawaii has no such thing as clear title to.

Despite the direct and unconscionable harm this process, permitting request, and administration of this process is causing many others and myself directly, I submit this with the greatest aloha and hope for justice. In particular I would like to express aloha for hearing officer Amano and my hopes that this issue will be served all justice it is due.

If any mistakes regarding this statement or my participation and submissions to this so-called user friendly process are made, I request that I be allowed to rectify or amend them being that although this process is called “user friendly” there is no public resource, website, manual or guidance available that has been made known

to me or any of the other parties whom I have approached according to them. The coercion of silence, lack of guidance, pre-set statements of facilitating a schedule of deadlines and prior deliberations, not only suggest a pre-set outcome but evidence the known disingenuous use of the term “user friendly” for the BLNR’s Conservation District Use Application and Contested Court Case process. For any “user friendly” process resources and guidance should be available, yet here it is not. I appreciate any guidance and leeway to modify any interactions with this process and apologize ahead of time for whomever, individual or entity, that may have an agenda or schedule inconvenienced as we engage in what is proclaimed as- at least on paper- a “user friendly” system under seeming law.

Because of cultural mores that maintain privacy in genealogical and burial matters, in this motion and submission I reserve any and all rights known and unknown, in particular the right to clarify any and all statements made herein with official documentation under a variety of cultural standards, and the right to submit in the future any and all evidence and witnesses in the future that may be lacking presently or in the future requested, required and or pertinent, as a living, direct, lineal descendant, among many, to our living iwi, remains, burials and entire burial grounds and lands situated on these non-ceded, Hawaiian Kingdom Crown and Government lands held under fraud of treaty and internal house resolution- the sacred, and protected summit of Mauna Kea.

The documents supporting my right to demand Quo Warranto are attached. ALOHA.

AFFIDAVIT

QUO WARRANTO DEMAND OF JURISDICTION

Quo Warranto is the legal term for a writ (order) used to challenge another's right to either public or corporate office or challenge the legality of a corporation's charter.

When the authority of an official or corporation to take action is challenged, a Quo Warranto action may be used to demand that the right upon which they base the action be stated.

"(a) An action may be commenced under this article, in the name of the state, against the offending corporation, on the information of any person for the purpose of vacating the charter or annulling the existence of any corporation, other than municipal, whenever such corporation:

1. *Offends against any of the acts creating, altering or renewing such corporation;*
2. *Violates the provisions of any law, by which such corporation forfeits its charter, by abuse of its powers;*
3. *Has forfeited its privileges or franchises by failure to exercise its powers;*
4. *Has done or omitted any act which amounts to a surrender of its corporate rights, privileges and franchises; or*
5. *Exercises a franchise or privilege not conferred on it by law.*

(b) The judge of the circuit court, whenever he believes that any of the acts or omissions specified in subsection (a) of this section can be proved and it is necessary for the public good, must direct the district attorney to commence an action, or an action may be commenced without the direction of the judge on the information of any person giving security for the costs of the action, to be approved by the clerk of the court in which the action is commenced.

(c) Actions under this section must be commenced in the circuit court of the county in which the corporation has its principal office or, if it has no principal office, of any county in which it does business; or if it has no principal .

Declaratory Judgment On A Constitutional Issue/Violation

Per "...this Constitution for the United States of America," Article IV, section 4 "Section 4.

The United States shall guarantee to every State in this Union a **Republican Form of**

Government, and shall protect each of them against Invasion; and on Application of the

Legislature, or of the Executive (when the Legislature cannot be convened) against domestic

Violence.”

INTRODUCTION AND OPENING STATEMENT

NOW COMES, Declarant: **Brannon Kamahana Kealoha**, (Now Known as the Declarant),
with this Declaration of Challenge; **a Declaratory Judgment On A Constitutional Issue/
Violation in the form of a Quo Warranto**, in forma pauperis.

II. Jurisdiction of the “ one supreme Court”

All facts and allegations set forth in paragraphs 1 and 2 are incorporated herein in their entirety
by reference.

1. “...this Constitution for the United States of America” Article 1, Section 1, and Section 2,
clause 1.

Section 1.

The Judicial Power of the United States, shall be vested in **one supreme Court**, and in such
inferior Courts as the **Congress** may from time to time ordain and establish. The Judges, both
of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at
stated Times, receive for their Services, a Compensation, which shall not be diminished during
their Continuance in Office.

Section 2, clause 1.

The Judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution,
the Laws of the United States, and Treaties made, or which shall be made, under the Authority;---
to all Cases affecting Ambassadors, other public ministers and Consuls;-- to all Cases of admiralty
and maritime Jurisdiction;--- to Controversies to which the United States shall be a Party;--- to
Controversies between two or more States;--- between a State and Citizens of another State;---
between Citizens of different States;--- between Citizens of the same State claiming Lands under
Grants of different States, and between a State, or the

Citizens thereof, and foreign States, Citizens or Subjects.

III. Declaratory Judgment Issue Per "...this Constitution..."

All facts and allegations set forth in paragraphs 1 through 3 are incorporated herein in their entirety by reference.

3. Per "...this Constitution for the United States of America," Article IV, section 4, does "this Constitution" declare and create a Republican form of government or a Democratic form of government ?

IV. *in forma pauperis*

All facts and allegations set forth in paragraphs 1 through 7 are incorporated herein in their entirety by reference.

4. This Declarant points to "...this Constitution for the United States of America," Article 1, section 10, clause 1. **Section 10.** No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; **make any Thing but gold and silver Coin a Tender in Payment of Debts;** pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

5. This Declarant also points to P.L. 1, 48 Stat C 1.

6. This Declarant also points to the Federal Reserve Act of 1913, section 16, with the clear intent of the venue and use of Federal Reserve Notes: "Federal reserve notes, to be issued at the discretion of the Board of Governors of the Federal Reserve System for the purpose of making advances to Federal reserve banks through the Federal reserve agents as hereinafter set forth and for no other purpose, are authorized. The said notes shall be obligations of the

United States and shall be receivable by all national and member banks and Federal reserve banks and for all taxes, customs, and other public dues. They shall be redeemed in lawful money on demand at the Treasury Department of the United States, in the city of Washington, District of Columbia, or at any Federal Reserve bank.”

7. This Declarant also points to P.L.40, 40 stat L 411, section 5, subdivision (b) of the October 6, 1917 Act as it is written in P.L.1, 48 stat C 1. And, therefore, files this action *in forma pauperis* because of the lack of access to **“gold and silver Coin a Tender in Payment of Debts.”**

V. Quo Warranto Challenge

All facts and allegations set forth in paragraphs 1 through 9 are incorporated herein in their entirety by reference.

8. the RESPONDENT,, appears to be in violation of “...this Constitution for the United States of America,” Article 4, Section 4 by declaring our form of government to be under a “Democracy.”

9. This Declarant CITES THAT, under the Constitutionally , declared and mandated “...Republican Form of Government...” in compliance with “...this Constitution for the United States of America,” Article IV, section 4 in force before it was systematically destroyed by Franklin D. Roosevelt, and succeeding others. See the “TRAINING MANUAL } WAR DEPARTMENT, No. 2000-25 } WASHINGTON, November 30, 1928,” Section IX, Lesson 9 - “Representative Government” starting at paragraph 118 for a published and governmentally approved statement of the form of government for these United States of America. Roosevelt and others systematically took this manual out of circulation to eliminate any evidence of previous administration's written intent of the Founders of this nation.

Examine this manual for yourself to see what has been continually usurped, over the years, from the American People in Section IX, Lesson 9 starting at paragraph 118 and specifically in paragraph 121 as approved for publication by BY ORDER OF THE SECRETARY OF WAR: C. P. SUMMERALL, *Major General, Chief of Staff*. See the National records for the evidence of its publication.

VI. Statement of the Facts

All facts and allegations set forth in paragraphs 1 through 17 are incorporated herein in their entirety by reference.

10. "...This Constitution for the United States of America," Article IV, section 4, guarantees the States in this Union "a Republican form of government" and NOT a "democracy."

11. Franklin D. Roosevelt in 1933 publicly declared this government to be a "democracy" thereby violating "...this Constitution for the United States of America" with its guarantee of "...a Republican Form of Government" for the People of the United States of America.

12. Barack Obama has declared many times this is a "Democracy" on National TV.

13. Barack Obama being a constitutional lawyer must be aware of this fact ("...a Republican Form of Government"), but, yet, he declares this government to be a "Democracy" and pushes that/this form of government into other foreign nations.

14. This Declarant was a national, write-in candidate for the presidency in the election of November 6, 2012 under the Constitutionally mandated "Republican Form of Government."

VII. Conclusion

All facts and allegations set forth in paragraphs 1 through 14 are incorporated herein in their entirety by reference.

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

Contested Case Hearing Re Conservation
District Use Application (CDUA) HA-3568
for the Thirty Meter Telescope at the Mauna
Kea Science Reserve, Ka'ohē Mauka,
Hāmākua, Hawai'i, TMK (3) 4-4-015:009

BLNR Contested Case HA-16-02

Kamahana Kealoha: MOTION invoking Quo
Warranto, respectfully, a demand of Jurisdiction;
Declaratory Judgment on a Constitutional Issue/
Violation RESUBMITTED 8/8/2016

CERTIFICATE OF SERVICE

I hereby certify that a copy of the attached motion was duly served on the following parties by electronic e-mail unless indicated otherwise:

Michael Cain
Office of Conservation and Coastal
Lands
1151 Punchbowl, Room 131
Honolulu, HI 96813
michael.cain@hawaii.gov
*Custodian of the Records
(original + digital copy)*

Judge Riki May Amano (Ret.)
rma3cc@yahoo.com
Hearing Officer

Julie China, Deputy Attorney General
julie.h.china@hawaii.gov
*Counsel for the Board of Land and
Natural Resources*

Carlsmith Ball LLP
isandison@carlsmith.com
*Counsel for the applicant University of
Hawaii at Hilo*

Richard N. Wurdeman
RNWurdeman@RNWLaw.com
*Counsel for the petitioners Mauna Kea
Anaina Hou, Clarence Kukauakahi
Ching, Flores-Case 'Ohana, Deborah J.
Ward, Paul K. Neves, and Kahea: The
Environmental Alliance*

Watanabe Ing LLP
rshinyama@wik.com
douging@wik.com
*Counsel for TMT International
Observatory, LLC*

Harry Fergerstrom
hankhawaiian@yahoo.com

Richard L DeLeon
kekaukike@msn.com

Mehana Kihoi
uhiwai@live.com

C. M. Kaho'okahi Kanuha
kahookahi@gmail.com

Joseph Kualii Lindsey Camara
kualiic@hotmail.com

Torkildson, Katz, Moore, Hetherington
& Harris
lsa@torkildson.com
njc@torkildson.com
*Counsel for Perpetuating Unique
Educational Opportunities (PUEO)*

J. Leina'ala Sleightholm
leina.ala.s808@gmail.com

Maelani Lee
maelanilee@yahoo.com

Lanny Alan Sinkin
lanny.sinkin@gmail.com
Representative for The Temple of Lono

Kalikolehua Kanaele
akulele@yahoo.com

Stephanie-Malia:Tabbada
s.tabbada@hawaiiantel.net

Tiffnie Kakalia
tiffniekakalia@gmail.com

Glen Kila
makakila@gmail.com

Dwight J. Vicente
2608 Ainaola Drive
Hilo, Hawaiian Kingdom

Brannon Kamahana Kealoha
brannonk@hawaii.edu

Cindy Freitas
hanahanai@hawaii.rr.com

William Freitas
pohaku7@yahoo.com

Wilma H. Holli
P. O. Box 368
Hanapepe, HI 96716

Ivy McIntosh
3popoki@gmail.com

Moses Kealamakia, Jr.
mkealama@yahoo.com

Crystal W. West
crystalinx@yahoo.com

Patricia Ikeda
pehekeanila@gmail.com